

**(REVISED: ITEM 43, REWORDED)**

**(03-06-2006 REVISED ITEM #21  
RECOMMENDED ACTION/PER  
CITY MANAGER'S OFFICE)**

CITY COUNCIL  
CITY OF WICHITA  
KANSAS

City Council Meeting  
9:00 A.M., March 7, 2006

City Council Chambers  
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the February 28, 2006 regular meeting

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AWARDS AND PROCLAMATIONS

- Proclamations
  - "Luke and Shayla Day"
  - "Mental Retardation Awareness Month"
  - "Lions Pancake Day"
  - "Women in Construction Week"
  - "Social Work Month"
  - "Desk and Derrick Awareness Month"
- Distinguished Service Citations.

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PUBLIC AGENDA

1. Fire protection for the southeast portion of the City of Wichita-James Gulick.
2. Establishment of a Town Band for the City of Wichita-Gary L. Ray.

3. Video Cameras in police cars-Rickie Coleman, Sunflower Community Action.
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CONSENT AGENDA

4. Report of the Board of Bids and Contracts Dated March 6, 2006.

RECOMMENDED ACTION: Receive and file report; approve Contracts;  
authorize necessary signatures.

5. Application for Licenses.

Renewal:

Robert Floyd	Kellogg Gift Shop Inc. dba as Priscilla's	6143 West Kellogg
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RECOMMENDED ACTION: Approve licenses subject to Staff review and  
approval.

6. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
Maria E. Romero Arounh Sengseevong	Angela's Café* Bangkok Thai Restaurant*	901 East Central 2020 South Rock Road Suite #50

<u>Renewal</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
Greg Johnson Hau Ma Edward J. Roitz	Whatta A Stop K-T Store Fleming Convenience	1203 East Pawnee 40015 Seneca 345 South Hillside

<u>New Operator</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
Jitendra P. Patel	Valero	4003 South BROADWAY

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and  
approval.

7. Preliminary Estimates:

- a) North Sanitary Sewer Pump Station and Main 15, Sanitary Sewer 23 – along Meridian from south of 53rd Street North to 61st Street North. (468-83682/744009/622083/480697/671118. Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$9,100,000
- b) Storm Water Drain #286 to serve Emerald Bay Estates Addition – south of 29th Street North, west of West Street. (468-84140/751417/485308). Does not affect existing traffic. (District V) - \$723,000
- c) 2006 Contract Maintenance Asphalt Mill & Overlay Phase 1 – north of 13th Street North, west of Grove. (472-84372/131532/620447/\_665567). Traffic to be maintained during construction using flagpersons and barricades. (Districts I, V, VI) - \$899,850

RECOMMENDED ACTION: Receive and file.

8. Statement of Cost:

- a) East-West Alley between Martinson and Elizabeth, McCormick and Irving, from the west line of Martinson to 160' west of Martinson to serve John McCormick's Addition. Construction cost-\$27,374.14; Idle Fund interest estimated-\$153.36; Temporary financing estimated-\$1,353.17; TOTAL COST-\$28,900.00

RECOMMENDED ACTION: Approve and file.

9. Consideration of Street Closures/Uses.

- Young People's Concerts, Tuesday and Wednesday, April 11-13, 2006
  - 1) Century II Drive from Main Street, north to Douglas
  - 2) Perimeter drive around east side of Century II
    - April 11<sup>th</sup>, 9:00 a.m. to Noon
    - April 12 & 13<sup>th</sup>, 11:30 a.m. to 2: 30 p.m.

RECOMMENDED ACTION: It is recommended that the City Council approve the request subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets.

10. Agreements/Contracts:

- a) Agreement to Respread Assessments: Falcon Falls Commercial Addition, north of 45<sup>th</sup> Street North and west of Hillside Avenue. (District I)
- b) Agreement to Respread Assessments: Falcon Falls Third Addition, north of 45<sup>th</sup> Street North and west of Hillside Avenue. (District I)
- c) Standby Power Generation.
- d) Central from Woodlawn to Rock Road. (District II)-supplemental.
- e) Relocation of Westar Energy Inc., utilities along East Central, between Carriage Parkway and Brookside. (Districts I and II)
- f) Wichita/Great Race Agreement.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

11. Property Acquisitions:

- a) Acquisition of Land. (District V)
- b) Acquisition of Easements for the Integrated Local Water Supply Plan. (Harvey County)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

12. Sale of Surplus Property located at 1755 North Grove. (District I)

RECOMMENDED ACTION: Accept the proposal to purchase the surplus property and authorize the necessary signatures.

13. Surplus of Vacant Lot located at 1125 North Mathewson. (District I)

RECOMMENDED ACTION: Declare the property as surplus and designate it as available for sale to the general public.

14. City Council Goals: Approval of Indicators.

RECOMMENDED ACTION: Staff recommends that the City Council approve the indicators for each of the 2006-2007 goals.

15. Assignment of Letter of Intent; Substitution of Tenant Entity, Delta Data Systems, Inc. (District II)

RECOMMENDED ACTION: Approve the assignment of Letter of Intent to change the Tenant entity from Delta Data Systems, Inc. to KSDD Properties, LLC.

16. Gilbert & Mosley TIF Extension-Setting Hearing Date.

RECOMMENDED ACTION: Adopt the Resolution setting a hearing date of May 9, 2006.

17. Municipal Investment Pool Resolution updating authorizations.

RECOMMENDED ACTION: Adopt the resolution updating officers authorized to execute investment transactions within the Municipal investment Pool and authorize the necessary signatures.

18. Grant Application for Kansas Emergency Shelter Grant Funds.

RECOMMENDED ACTION: Approve the application for grant funds; and authorize the necessary signatures for the application and necessary signatures for contracts if funding is awarded.

19. Notice of Intent for The Mid-American All-Indian Center, Inc. to apply for Workforce Investment Act Funds.

RECOMMENDED ACTION: Receive and file.

20. Bond Counsel Professional Legal Services.

RECOMMENDED ACTION: Select the law firm of Kutak Rock, L.L.C. as the City's bond counsel and authorize the staff to negotiate an agreement for Professional Services to be returned to the Council for approval.

**Item #21 Revised**

**21. Cultural Funding Application and Review Process.**

RECOMMENDED ACTION: Approve the continuation of the arts funding application and review process with the addition of a residency requirement. **"If city funds are recommended and approved it shall be allocated for operations, activities and/or programs within corporate city limits. " as a requirement..**

22. Parks, Recreation, and Open Spaces (PROS) Plan.

RECOMMENDED ACTION: Authorize initiation of the Parks, Recreation, and Open Spaces (PROS) Plan project, and authorize the necessary signatures.

23. Second Reading Ordinance: (First read February 28, 2006)

- a) A06-05R-generally located northwest of the intersection of 55th Street and K-15. (District III)

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas. (A06-05)

RECOMMENDED ACTION: Adopt Ordinance.

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OLD BUSINESS

24. Wichita Animal Care Campus, City and Humane Society.  
(Continued August 23, 2005)

RECOMMENDED ACTION: Approve the Contract Amendment and Land/Lease Agreement and authorize the necessary signatures.

24a. Sale of former Carnegie Library at 220 South Main. (District I)

RECOMMENDED ACTION: Accept one of the proposals and authorize staff to negotiate a contract for sale.

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UNFINISHED BUSINESS

25. Declaration for participation in Firefighters Relief Fund for 2006.  
(Deferred February 7, 2006)

RECOMMENDED ACTION: Approve the Declaration for participation in the Firefighters Relief Association for 2006 and authorize the necessary signatures.

26. Petition to construct a Storm Water Sewer to serve Lots 25-36, Block 13, Pawnee Mesa Addition, north of Pawnee, east of 119<sup>th</sup> Street West. (District IV)  
(Deferred February 14, 2006)

RECOMMENDED ACTION: Approve the petition with the \$45,000 budget increase; adopt the Resolution and authorize the necessary signatures.

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NEW BUSINESS

(9:30 a.m. or soon thereafter)

27. Repair or Removal of Dangerous and Unsafe Structures. (District I)

Property Address:

a. 1155 North Spruce

Council District:

I

RECOMMENDED ACTION: Close the public hearing; adopt the resolutions declaring the buildings dangerous and unsafe structures and accept the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structures. Any extensions of time granted to repair the structures would be contingent on the following:

- 1) all taxes have been paid to date, as of March 7, 2006;
- 2) the structures have been secured as of March 7, 2006 and will continue to be kept secured; and 3) the premises are mowed and free of debris as of March 7, 2006 and will so be maintained during renovation.

28. Public Hearing on Proposed Assessments for (36) thirty-six paving projects in July 2006 Bond Sales Series 786.

The Council was notified on February 7, 2006 that the proposed assessment rolls were on file for public inspection in the Department of Finance.

RECOMMENDED ACTION: Close the Public Hearing; approve the proposed Assessments and place the ordinance on first reading.

29. 17<sup>th</sup> Street North Drainage Project, between St. Francis and Santa Fe Streets. (District VI)

The 2005-2014 Capital Improvement Program adopted by the City Council includes a project to improve 17<sup>th</sup> Street North, between Broadway and the I-135 Freeway.

RECOMMENDED ACTION: Approve the project; adopt the resolution and authorize the necessary signatures.

30. Letter or Intent for 47<sup>th</sup> and Broadway Redevelopment Project and Resolution considering the establishment of a Redevelopment District Tax Increment Financing. (District IV)

David Christie, a commercial real estate developer from Lenexa has approached the City of Wichita with a proposal to redevelop a 21-acre area at the southwest corner of 47<sup>th</sup> Street South and Broadway. Mr. Christie has asked the City to assist with the redevelopment project by providing tax increment financing in an amount not-to-exceed \$1.5 million to pay for infrastructure, demolition, site work, parking, landscaping and relocation costs.

RECOMMENDED ACTION: 1) Designate D.J. Christie, Inc., as the preferred Developer of a redevelopment project in the area of 47<sup>th</sup> Street South and Broadway; 2) approve the letter of intent to provide Tax Increment Financing in an amount not-to-exceed \$1,500,000 plus costs of issuance; and 3) adopt a resolution providing notice of consideration for the establishment of the proposed redevelopment district and setting a public hearing for April 18, 2006.

31. Agreement by and between the City of Wichita and the City of Kechi.

Wichita has provided wholesale water service to the City of Kechi since 1985. At Kechi's request, Wichita examined the prospect of providing an additional connection to supply Kechi's future water needs.

RECOMMENDED ACTION: Approve the Agreement with the City of Kechi for construction of the twelve-inch supply line and connection to Kechi from Wichita.

32. Convention and Visitors Bureau National Media Purchase.

In an effort to take advantage of unique marketing and research opportunities, the City Council initialed a "Tourism Research/Marketing Fund" as part of the Tourism and Convention Fund in the annual budget.

RECOMMENDED ACTION: Approve the requested GWCVB allocation from the Tourism Research and Marketing Fund within the Tourism and Convention Fund and authorize the necessary signatures.



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PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

\* Consent Items

33. CUP2005-72, (Associated with ZON2005-00054)-Creation of D293 E.S. Development Midwest Commercial Community Unit Plan; zone change to Limited Commercial. Generally located east of Maize Road approximately ¼ mile north of 21<sup>st</sup> Street North. (District V)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve the zone change subject to replatting within one year and approve the CUP; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council, requires three-fourth vote of entire governing body to approve;  
or  
2) Return the application to the MAPC for reconsideration.

34. V-2057 Public Hearing to vacate a portion of a platted easement, generally located between State Highway K-96 and 32<sup>nd</sup> Street North, west of Rock Road. (District I)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

35. \*ZON2005-00052-Zone Change from Limited Commercial to General Commercial with a Protective Overlay. Generally located north of Kellogg between Byron Road and Seville Avenue. (District V)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve the zone change subject to the replatting within one year and subject to the additional conditions of Protective Overlay #167; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to City Council;  
2) Return the application to the MAPC for reconsideration.

36. \*ZON2005-00056-Zone Change from Single-family Residential to Limited Industrial. Generally north of MacArthur Road, east of Gold Street. (District IV)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve the zone change subject to the platting within one year; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to City Council; or  
2) Return the application to the MAPC for reconsideration.

37. \*SUB2006-03-Plat of Willowbend Ninth Addition, located east of Rock Road and north of 37th Street North. (District II)

RECOMMENDED ACTION: Approve the documents and plat and authorize the necessary signatures.

38. \*SUB2004-127-Plat of Mayfield First Addition, located west of West Street and south of Harry. (District IV)

RECOMMENDED ACTION: Approve the document and plat; authorize the necessary signatures and adopt the Resolutions.

39. \*A06-07R-Request by Irma Jacoby, of ITJ Investments, Inc., to annex land generally located west of Webb Road, between Pawnee and 31<sup>st</sup> Street. (District II)

RECOMMENDED ACTION: Approve the annexation request and place the Ordinance on first reading.

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CITY COUNCIL

40. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

41. Approval of travel expenses for Mayor to attend LKM Governing Body meeting in Topeka, March 16-17, 2006.

RECOMMENDED ACTION: Approve the expenditures.

42. Approval of travel expenses for Mayor to attend and speak to Kansas Paraguay Partners Annual Meeting in Topeka, March 11, 2006.

RECOMMENDED ACTION: Approve the expenditures.

43. **Reaffirmation** of placement of an intern for Mayor in the Council Office.

Adjournment

\*\*\*Workshop to follow\*\*\*